

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LAZARO MEDINA-AYON,

Defendant.

8:08CR345

ORDER

This matter is before the Court *sua sponte*. The Court denied defendant's second pro se motion for a reduction of sentence on December 21, 2015. [Filing No. 114](#). On March 24, 2016, defendant filed a notice of appeal regarding this Court's ruling. [Filing No. 115](#). The Clerk's office filed a copy of an IFP Memo, [Filing No. 116](#), and this Court permitted the defendant to proceed on appeal in forma pauperis. [Filing No. 117](#). However, upon further review, the Court determines that the defendant filed his notice of appeal out of time. He is required to file his notice of appeal within 14 days of the date of the Court's order. [Fed. R. App. P. 4\(b\)\(1\)](#). He waited three months to do so. Consequently, he is out of time to file his appeal.

THEREFORE, IT IS ORDERED THAT:

1. The Clerk of Court shall strike [Filing No. 117](#).
2. Defendant shall not be permitted to appeal in forma pauperis, as he did not timely file his appeal.

Dated this 30th day of March, 2016

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge